

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SAMUEL KATZ and LYNNE RHODES,  
individually, and on their own behalf and  
on behalf of all others similarly situated,

Plaintiffs,

v.

LIBERTY POWER CORP., LLC,  
LIBERTY POWER HOLDINGS, LLC,  
Delaware limited liability companies,

Defendants.

LIBERTY POWER CORP., LLC, and  
LIBERTY POWER HOLDINGS, LLC,

Third-Party Plaintiffs,

v.

MEZZI MARKETING, LLC,

Third-Party Defendant.

No. 1:18-cv-10506

**PLAINTIFFS' WITHDRAWAL OF  
THEIR MOTION TO COMPEL  
PRODUCTION OF COMPLETE  
CALIBRUS CALL RECORDS**

Plaintiffs Samuel Katz and Lynne Rhodes ("Plaintiffs"), hereby withdraw their motion for an order compelling Liberty Power Corp., LLC and Liberty Power Holdings, LLC's ("Defendants") to produce a complete set of call records from Calibrus Call Center Services, LLC ("Calibrus") (ECF No. 246).

1. Plaintiffs asked Defendants for Calibrus records on November 4, and asked for a complete set of Calibrus records on November 18. Plaintiffs filed their motion on December 7. (ECF No. 246.) Plaintiffs now withdraw that motion, as Defendants produced a complete set of Calibrus records on December 14.

2. Plaintiffs are mindful of the Court's deadlines, which have prompted Plaintiffs to take action now to ensure discovery which lays the foundation for class certification and amending their complaint is timely completed by the Court's deadline.

3. Plaintiffs are also mindful of the holiday season. On December 11, Plaintiffs filed a motion for a privilege log and other discovery relief (ECF No. 247). Defendants' response would ordinarily be due on December 28, 2020. *See* LR 7.1(b)(2). On December 12, Plaintiffs offered to continue that motion until January 4, 2021. Plaintiffs' offer remains open.

WHEREFORE, Plaintiffs withdraw their December 7 motion for a complete copy of the Calibus records. (ECF No. 246.)

Dated: December 15, 2020 By: s/Ethan Preston

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Lynne Rhodes, on their own behalf, and behalf of  
all others similarly situated*

**CERTIFICATE OF SERVICE**

I, Ethan Preston, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: December 15, 2020 By: s/Ethan Preston  
Ethan Preston